

## **Notice of Hearing**

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise ch. NR 102, relating to the establishment of site-specific criteria for Lac Courte Oreilles, located in Sawyer County, at the time and place shown below.

### **Hearing Information**

Date: November 8, 2019

Time: 10:00 AM

Location: Bass Lake Town Hall, 14412W County Highway K, Hayward, WI 54843

### **Rule Information**

This rule proposes two alternatives for a phosphorus site-specific criterion for Lac Courte Oreilles, a lake in Sawyer County. The lake straddles both State land and Tribal lands of the Lac Courte Oreilles Band of Lake Superior Chippewa. Lac Courte Oreilles is a state-classified Outstanding Resource Water and one of a small number of “two-story fishery” lakes in Wisconsin that support a coldwater fishery within its deep basins. The three main basins of Lac Courte Oreilles support cisco and whitefish. The lake also has several small bays and a larger bay called Musky Bay, which are shallow and do not support coldwater fish. The lake has experienced several fish kills of cisco and whitefish in the main basins, likely due to reductions of its oxythermal layer during late summer. Multiple analyses have been done to determine the cause of the oxygen depletion in this lake, and specifically to determine whether a reduction of phosphorus levels in the lake is necessary to support the coldwater fish population. As a result of a court-approved stipulation filed on April 4, 2017, the Department is proposing rules to establish a phosphorus site specific criterion in place of the generally applicable phosphorus criteria.

### **Accessibility**

1. Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter at least 10 days before the date of the scheduled hearing, by writing to e-mail [Kristi.Minahan@Wisconsin.gov](mailto:Kristi.Minahan@Wisconsin.gov)
2. Alternatively, you may contact the Department of Natural Resources TDD at (608) 267-6897. The hearing facility is accessible to disabled users.
3. Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call with specific information on your request at least 10 days before the date of the scheduled hearing.
4. Handicap access is available at the hearing location.

## **Appearances at the Hearing and Submittal of Written Comments**

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which will be provided. Comments on the proposed rule must be received on or before November 12, 2019. The Hearing Appearance form also can be used for submitting a written comment at the hearing. Written comments may be submitted by U.S. mail, fax, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources  
Attn: Kristi Minahan  
P.O. Box 7921  
101 S. Webster Street,  
Madison, WI 53707-7921  
[Kristi.Minahan@Wisconsin.gov](mailto:Kristi.Minahan@Wisconsin.gov)

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>

Comments can also be made at: [DNRAdministrativeRulesComments@wisconsin.gov](mailto:DNRAdministrativeRulesComments@wisconsin.gov)

## **Initial Regulatory Flexibility Analysis**

The department has determined the rule will have no fiscal impact on small businesses. Promulgation of a site-specific criteria for the lake will not impose additional pollution reduction requirements for WPDES permittees or nonpoint sources. Small businesses within the watershed could take voluntary measures to reduce phosphorus inputs to the lake if desired, but that can be done without a phosphorus site-specific criteria for the lake.

## **Agency Small Business Regulatory Coordinator**

Daniela Branco (608) 266-7524  
[DanielaH.Branco@wisconsin.gov](mailto:DanielaH.Branco@wisconsin.gov)

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_

Preston D. Cole, Secretary